

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

JACK ALLEN §  
§  
V. § CIVIL NO. 2:05-CV-531(TJW)  
§  
TYLER HOLDING COMPANY, INC. §  
Formerly Known As LaGloria Oil and §  
Gas Company §

**DOCKET CONTROL ORDER**

In accordance with the case scheduling conference held herein on the 4<sup>th</sup> day of April, 2006,  
it is hereby

**ORDERED** that the following schedule of deadlines is in effect until further order of this  
court:

**Monday, November 6, 2006** Jury Selection - 9:00 a.m. in **Marshall, Texas**

**October 26, 2006** Pretrial Conference - 11:30 a.m. in **Marshall, Texas**

**October 20, 2006** Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the  
Verdict.

**October 23, 2006** **Motions in Limine (due three days before final Pretrial  
Conference)**

Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, **903/935-2295**. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference.

<b>October 6, 2006</b>	Pretrial Disclosures due
<b>October 20, 2006</b>	Pretrial Objections due
<b>September 15, 2006</b>	Response to Dispositive Motions (including <i>Daubert</i> Motions). <sup>1</sup> Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
<b>September 1, 2006</b>	For Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
<b>August 18, 2006</b>	Discovery Deadline
<b>August 11, 2006</b>	Defendant to Identify Trial Witnesses
<b>July 28, 2006</b>	Plaintiff to Identify Trial Witnesses
<b>July 14, 2006</b>	Defendant to Answer Amended Pleadings
<b>June 30, 2006</b>	Amend Pleadings <b>(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after June 30, 2006).</b>
<b>August 31, 2006</b>	Mediation to be completed

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<sup>1</sup>

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

<b>June 16, 2006</b>	Defendant to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
<b>June 2, 2006</b>	Plaintiff to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
<b>June 5, 2006</b>	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
<b>May 4, 2006</b>	Join Additional Parties

IT IS FURTHER ORDERED that James W Knowles is hereby appointed as mediator in the above referenced case.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;

- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 6th day of April, 2006.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE